



SCHOOL OF LAW

THE UNIVERSITY OF TEXAS AT AUSTIN

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U.S. Environmental Protection Agency
National FOIA Office
1200 Pennsylvania Avenue, NW (2310A)
Washington, DC 20460
Submitted VIA FOIAonline

October 30, 2020

Re. Freedom of Information Act Request

Dear FOIA Officer:

This request for information is submitted on behalf of the University of Texas School of Law Environmental Clinic ("Clinic") to the U.S. Environmental Protection Agency, pursuant to the Freedom of Information Act, ("FOIA"), 5 U.S.C. § 522; and the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11044.

The Clinic requests the following records: any and all Comprehensive Emergency Response Plans developed by any Texas county, city, locality, or Local Emergency Planning Committee. To clarify, the Comprehensive Emergency Plans requested are the plans required and detailed by 42 U.S.C. § 11003. It is our understanding that Texas may identify the plans as local or regional Emergency Operations Plans and associated annexes and appendices pursuant to the Texas Disaster Act.

For the purposes of this request, the terms "record" and "records" mean all materials in whatever form (handwritten, typed, electronic or otherwise produced, reproduced, or stored) in the EPA's possession, including, but not limited to, letters, memoranda, correspondence, notes, completed forms, studies, reports, reviews, e-mails, documents, databases, drawings, graphs, charts, maps, photographs, minutes of meetings, and any other compilation of data from which information can be obtained. Without limitation, the records requested include records relating to the topics described below at any stage of development, whether proposed, draft, pending, interim, final, or otherwise.

Exempt Records: If you regard any of the requested records to be exempt from required disclosure, please include in your full or partial denial letter sufficient information for the Clinic to appeal the denial. In addition, if you determine that portions of a record requested are exempt

from disclosure, please redact the exempt portions and provide the remainder of the record to the Clinic at the address listed above. If the requested documents do not exist, please indicate that in your written response.

Fee Waiver Request: The Clinic requests a fee waiver for this request.

1. The subject of this requests concerns the operations and activities of the government pursuant to the federal Emergency Planning and Community Right to Know Act (EPCRA). The requested plans are required under EPCRA and are required to be made available to the public.
2. The plans requested are "likely to contribute" to an understanding of government operations or activities. The plans detail how industry, government, and the public coordinate to prevent and respond to chemical accidents and disasters. The public is supposed to be a part of the process of developing and evaluating the plans. Without access to the plans, the public cannot know whether there is an adequate plan for addressing local emergencies and cannot advocate for improvements or participate in the planning process.
3. Release of the plans will contribute significantly to a public understanding of EPCRA, its implementation, and the role members of the public can play in Local Emergency Planning Committees (LEPCs). Release will also contribute to the public's understanding of whether EPCRA is being appropriately implemented by local LEPCs and the State Emergency Response Commission. The Clinic plans to use the documents to inform the public about EPCRA, how it is being implemented, what information the public is entitled to under the law, and how the public can participate in Local Emergency Planning Committees and in emergency response plan development.
4. The Clinic has no commercial interest in the documents requested.

In the event that the SERC does not waive fees, the Clinic asks for a notification of the basis of the decision and to provide an estimate of any costs. Please do not move forward with actions that would require expenditures of more than \$100 until the Clinic has the opportunity to consider the estimate of costs and an appeal.

To the extent the records requested are available in electronic format, we request them in that format. Please send records to Liam Veazey c/o Environmental Clinic at the address above. In the event that you have any questions regarding the scope or substance of these requests, please contact Liam Veazey by email (lveazey@utexas.edu) or phone (214-538-7388).

Thank you for your time and assistance,

Liam Veazey
lveazey@utexas.edu
(214) 538-7388